

Masashi Tokuda, S.N. 10/763,707  
Page 8

Dkt. 2271/71523

### REMARKS

The application has been reviewed in light of the Office Action dated April 10, 2008. Claims 1-19 are pending. By this Amendment, claims 1, 7 and 8 have been amended. Accordingly, claims 1-19 are presented for reconsideration, with claims 1, 7 and 8 being in independent form.

Claims 1-3, 6-11, 14-16 and 19 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over the Background art discussed in the present application in view of U.S. Patent No. 5,598,401 to Blackwell and U.S. Patent No.: US 6,351,530 to Rahamim. Claims 4, 5, 12, 13, 17 and 18 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over the combination of the Background art discussed in the present application in view of Blackwell and Rahamim and further in view of U.S. Patent No. 5,502,752 to Averbuch.

The present application relates to improvements devised by applicant to a facsimile use modem for monitoring G3 communications via ISDN.

In an aspect of this application, a facsimile use modem apparatus comprises an analog interface formed from a silicon data access arrangement operative to interface with an analog telephone line, a digital interface operative to interface with an ISDN (integrated services digital network) line, a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of the facsimile communications via the ISDN line, and a data transmitting device operative to transmit linear data to a speaker via the silicon data access arrangement.

It is contended in the Office Action that it would have been obvious to incorporate the background silicon DAA shown in figure 5 of the present application into the background ISDN line-facsimile apparatus connection shown in figure 4 of the present application.

Masashi Tokuda, S.N. 10/763,707  
Page 9

Dkt. 2:71/71523

Applicant respectfully notes that the present application discloses a monitoring device *located within* a silicon data access arrangement and configured for monitoring a progress of the facsimile communications via the ISDN line.

The silicon DAA shown in figure 5 does not include a monitoring device within the silicon data access arrangement, yet alone a monitoring device located within the silicon data access arrangement configured for monitoring a progress of the facsimile communications via the ISDN line.

Applicant also notes that no motivation exists to replace the SW1 section 208 of the ISDN line-facsimile apparatus connection shown in figure 4 by locating said monitoring device in the silicon data access arrangement configured for monitoring a progress of the facsimile communications via the ISDN line.

In order to perform such modification, the silicon data access arrangement (that is, a chip) shown in Fig. 5 of the present application would need to be redesigned, which is an enormous task. Numerous alterations within the integrated circuit would need to be made in order to ensure that the modified circuitry is compatible with the already-existing framework in which it is to be incorporated. As acknowledge in the Office Action, one skilled in the art would not have been motivated to undertake such a modification of the silicon DAA shown in figure 5.

Blackwell, as understood by applicant, proposes an approach for a data communications device to selectively operate in a plurality of analog and digital modes, including as an analog modem, as a digital modem, and as a terminal adapter, whereby a single, integrated data communications device can be configured to provide for data communications over a variety of networks, including public switched telephone networks, leased line, and digital networks, including T1, E1 and ISDN.

Masashi Tokuda, S.N. 10/763,707  
Page 10

Dkt. 2:271/71523

The Office Action acknowledges that Blackwell does not disclose, suggest or otherwise render obvious integrating a silicon data access arrangement with a monitoring device.

Rahamim, as understood by applicant, proposes a modem utilizing a DAA having line side circuitry including a telephone network interface and system side circuitry including a host system interface, wherein the DAA circuitry is configured such that information may be communicated between the system side circuitry and the line side circuitry in a digital format. The apparatus proposed by Rahamim employs communicative coupling of programmable line side circuitry to system side circuitry, wherein a codec functions to encode the analog signal on the lines of the telephone network into a digital format, and also provides decoded digital signals for analog transmission over the telephone network.

Rahamim, like the other cited references, does not disclose or suggest, however, a facsimile use modem apparatus comprising a monitoring device *located within* a silicon data access arrangement and and configured for monitoring a progress of the facsimile communications via the ISDN line.

Averbuch, as understood by applicant, proposes an apparatus and method for clock rate matching in independent networks, wherein the apparatus accepts data from a modem into a buffer and determines the difference between the rate of the data entering the buffer at the modem clock rate to the rate of data exiting the buffer at the clock rate used by the apparatus.

Applicant submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, does *NOT* render unpatentable a facsimile use modem apparatus comprising a monitoring device *located within* a silicon data access arrangement and and configured for monitoring a progress of the facsimile communications via the ISDN line. One skilled in the art simply would not have been motivated to undergo the

Masashi Tokuda, S.N. 10/763,707  
Page 11

Dkt. 2271/71523

overwhelming task of redesigning a silicon data access arrangement to include therein a monitoring device configured for monitoring a progress of the facsimile communications via the ISDN line.

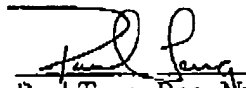
Accordingly, applicant respectfully submits that independent claims 1, 7 and 8, and the claims depending therefrom, are patentable over the cited art.

In view of the remarks hereinabove, Applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

  
\_\_\_\_\_  
Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
Cooper & Dunham LLP  
Tel.: (212) 278-0400